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BELLON & MANINGO, LTD.
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Attorney for Defendant
FAUSTO CRUZ-OCHOA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	2:16-CR-030-JAD-CWH
)	(Second Request)
vs.)	
)	
FAUSTO CRUZ-OCHOA,)	
)	
Defendant.)	
)	

Certification: This Stipulation and Order is being timely filed.

STIPULATION AND ORDER TO CONTINUE SENTENCING

IT IS HEREBY STIPULATED AND AGREED by and between LANCE A. MANINGO, ESQ., counsel for the defendant FAUSTO CRUZ-OCHOA, and SUSAN CUSHMAN, Assistant United States Attorney, that sentencing date currently scheduled for December 19, 2016 at 2:30 p.m., be vacated and continued to a date and time convenient for this Court; however, in no event earlier than thirty (30) days from the present date of sentencing.

This Stipulation is entered into for the following reasons:

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1. That co-defendant is still pending plea and Defendant CRUZ-OCHOA requests this continuance so that he can receive the benefit of the group plea reduction prior to imposition of his sentence;
2. That the AUSA Susan Cushman is agreeable to the continuance;
3. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in custody, and he has no objection to the continuance; and
4. That denial of this request for a continuance could result in a miscarriage of justice.

RESPECTFULLY SUBMITTED this 9th day of December, 2016.

Bellon & Maningo, Ltd

United States of Attorney

/s/ Lance Maningo

/s/ Susan Cushman

By:

By:

LANCE A. MANINGO, ESQ.
Attorney for Defendant
FAUSTO CRUZ-OCHOA

SUSAN CUSHMAN, AUSA
Attorney for Plaintiff

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,)	
)	2:16-CR-030-JAD-CWH
Plaintiff,)	(Second Request)
)	
vs.)	
)	
FAUSTO CRUZ-OCHOA,)	
)	
Defendant.)	

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. That co-defendant is still pending plea and Defendant CRUZ-OCHOA requests this continuance so that he can receive the benefit of the group plea reduction prior to imposition of his sentence;
2. That the AUSA Susan Cushman is agreeable to the continuance;
3. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in custody, and he has no objection to the continuance; and
4. That denial of this request for a continuance could result in a miscarriage of justice.

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED that sentencing in this matter currently scheduled for December 19, 2016 at 2:30 p.m. be vacated and continued to January 30, 2017 at 11:00 a.m.

DATED this 12th day of December, 2016.


UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

/s/ Lance Maningo
BELLON & MANINGO, LTD.
LANCE A. MANINGO, ESQ.
Nevada Bar No.: 006405
732 S. Sixth Street, Suite 102
Las Vegas, Nevada 89101
Attorney for Defendant
FAUSTO CRUZ-OCHOA

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